IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

Bail Appl..No. 6359 of 2007()

CRIME NO. 228/07 OF VITHURA POLICE STATION
CMP.6869/2007 of J.M.F.C.-II,NEDUMANGAD

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PETITIONERS : ACCUSED NOS 1-3:

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1. SHEEBA, D/O.OMANA, MURALI VILASOM,
KOPPOM, VITHURA, THOLICODE VILLAGE,
THIRUVANANTHAPURAM DISTRICT.

2. CHANDRIKA, D/O.RAJAMMA,
BINDHU BHAVAN,
KOPPOM, THOLICODE VILLAGE, THIRUVANANTHAPURAM
DISTRICT.

3. PRASANNA, D/O.OMANA, MEKKUMKARA VEEDU,
IRAYAMKODE, VITHURA, THOLICODE VILLAGE,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REPRESENTED BY SUB
INSPECTOR OF POLICE, VITHURA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6359 of 2007

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Dated this the 22nd day of October, 2007

O R D E R

Application for regular bail. The petitioners face allegations in a crime registered initially under the caption 'unnatural death' under Section 174 Cr.P.C. Later, allegation under Section 306 I.P.C. has been included. The deceased and her son committed suicide on 10.9.2007. A suicide note has been left behind by the deceased, in which no specific allegations have been made against any of the petitioners herein. The petitioners are neighbours of the deceased. It would appear that there is some disputes between the petitioners and the deceased. The deceased had filed a complaint. The deceased and the petitioners were called to the police station. They were warned/advised and the proceedings were closed. Though initially in the F.I.R. the brother of the deceased had raised no allegation against the petitioners, in the course of investigation, evidently on the basis of the earlier complaint filed by the deceased, it was felt that the suicide was attributable to the conduct of the neighbours. It is thus

that they have been arrayed as accused. They were arrested on 28.9.2007 and they continue in custody from that date.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. In any view of the matter, the materials produced may not be sufficient at all to jump to the conclusion that the suicide was abetted by the petitioners, even assuming that there is some quarrel between them. In fact a reading of the suicide note, which is extracted in the inquest report and which has been read to me, must reveal that if at all there is any suicide note, it must be in view of the unfriendly attitude of the relatives of the deceased. It is not necessary for me to embark on a detailed discussion on merits about the acceptability of the allegations raised or the credibility of the data collected. Suffice it to say that on an anxious consideration of all the relevant inputs, notwithstanding the opposition by the learned Prosecutor, I am satisfied that the petitioners, who have remained in custody from 28.9.2007, can now be released on bail, subject to appropriate terms and conditions.

3. In the result:

1) This application is allowed.

2) The petitioners shall be released on bail on the following terms and conditions.

(a) The petitioners shall execute bonds for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 12 noon on all Mondays and Fridays for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT)
Judge

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